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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 June 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Global practice of torture persists – STOP TORTURE

Three decades after the adoption by the UN General Assembly of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the Convention against Torture), the practise of torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) persists across the globe. Amnesty International's global research combined with more than five decades of experience of documenting and campaigning against torture and other ill-treatment, reveals that, 30 years after the UN Convention against Torture, impunity for torture remains widespread.

In May 2014, we launched a new worldwide campaign to STOP TORTURE¹, calling on states to end the use of torture and other ill-treatment and to put in place effective safeguards to prevent and punish such acts. Amnesty International will also intervene on behalf of individuals that may be at risk of torture and fighting for effective investigations of allegations of torture and provision of reparations, including effective safeguards to ensure that the acts of torture and other ill-treatment never happen again.

As of June 2014, 155 states have ratified the Convention against Torture. Yet Amnesty International has documented torture or other ill-treatment in at least 79 state parties in 2014, and in the past five years, we documented torture or other ill-treatment in 141 countries.

Due to the secretive use of torture, the organisation estimates the number of countries where torture or other ill-treatment takes place to be even higher. In some of these countries, torture or ill-treatment constitute isolated occurrences, in many torture and other ill-treatment are still routine. There is clearly room for improvement.

Torture is a crime under international law, it is an abuse that almost every government will agree is wrong and condemn with rhetoric if not with concerted action. Yet governments often deny or cover up the existence of torture and other ill-treatment rather than carrying out prompt, thorough and impartial investigations into alleged instances and prosecuting the alleged perpetrators.

Amnesty International's campaign seeks in particular the establishment and implementation of effective safeguards against torture as the route to change. When effective safeguards are in place, people are protected. When safeguards are not in place or not put into practice, torture thrives. These safeguards will include independent checks on places of deprivation of liberty, including through, but not limited to, the National Preventive Mechanisms set up under the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, effective medical examinations, prompt access to lawyers, courts and family members, thorough, effective investigations into torture allegations leading to prosecutions, and full redress to victims.

The Convention against Torture was groundbreaking at the time of its adoption. It contains clear guidance to make a global ban on torture a reality, by establishing a set of measures, enshrined in law and specifically designed to prevent torture, punish perpetrators and ensure justice and redress to victims. These measures aim not only to end torture and other ill-treatment nationally, but also to ensure that no-one is returned to a country where he or she would be in danger of torture. The Convention also establishes universal jurisdiction for the crime of torture, ensuring that there is no safe haven for its perpetrators.

¹ <http://www.amnesty.org/en/news/amnesty-international-global-crisis-torture-exposed-new-worldwide-campaign-2014-05-13>. Amnesty International written statements to the 25th session of the Human Rights Council: Mexico: Torture unchecked: AMR 41/006/2014, 21 February 2014, available at <http://www.amnesty.org/en/library/info/AMR41/006/2014/en>; Nigeria: Torture, cruel inhuman and degrading treatment of detainees by Nigerian security forces, AFR 44/001/2014, 20 February 2014, <http://www.amnesty.org/en/library/info/AFR44/001/2014/en>; Uzbekistan: Torture and other cruel, inhuman or degrading treatment in Uzbekistan, EUR 62/001/2014, 20 February 2014, available at: <http://www.amnesty.org/en/library/info/EUR62/001/2014/en>; Philippines must effectively implement its legislation on torture and other ill-treatment, ASA 35/001/2014, 20 February 2014, available at: <http://www.amnesty.org/en/library/info/ASA35/001/2014/en>

Criminalising torture and similar acts of ill-treatment and making sure that persons deprived of their liberty are held in humane conditions will also protect individuals from torture and other ill-treatment. States must ensure the protection of members of groups especially at risk of torture or other ill-treatment, not only by prosecuting and punishing all acts of violence and abuse against them, but also by ensuring the implementation of other positive measures of prevention and protection. Likewise, torture and other ill-treatment may involve acts by non-state actors where officials instigate, consent or acquiesce to their perpetration; states therefore have a duty under international law to exercise due diligence to ensure that persons are not subjected to such acts, including for instance violence against women, children, persons with disability and lesbian, gay, bisexual, transgender and intersex persons.

Amnesty International calls on the Council's member and observer states to put in place effective safeguards to STOP TORTURE.²

The organisation calls on the Human Rights Council to make full use of its mechanisms to STOP TORTURE.

² Amnesty International's 12-Point Programme for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Agents of the State, ACT 40/001/2005, 21 April 2005 is available at: <http://www.amnesty.org/en/library/info/ACT40/001/2005>. In this document Amnesty International calls on all governments to implement this 12-point programme. There is an explanation of each point. The Organization believes that implementation of these measures is a positive indication of a government's commitment to end torture and other ill-treatment and to work for their eradication worldwide.